

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

LOINTIER, *et al.*

Group Art Unit: TBD

Serial No.: 10/500,228

Examiner: TBD

Filed: June 25, 2004

Docket No. 80350-1230

PCT Application No.: PCT/FR02/04589

Priority Date: December 28, 2001

Int. Filing Date: December 30, 2002

For: **MULTIPLE-POUCH INTRAGASTRIC BALLOON, SURGICAL DEVICE
FOR EXPANDING SAID BALLOON AND METHOD FOR MAKING SAME**

**RESPONSE TO RENEWED PETITION UNDER 37 C.F.R. §1.47(a)
AND PETITION TO DELETE INVENTOR UNDER 37 C.F.R. §1.497(d)**

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Background

Applicants Petition filed December 23, 2005 in the above-identified Application has been dismissed without prejudice pursuant to a Decision issued March 6, 2006. In response thereto, Applicant submits this Petition under 37 C.F.R. §1.497(d) to delete an inventor. Accompanying this Petition is a Statement by the Inventor being deleted that any error in Inventorship in the International Application occurred without deceptive intention on his part. Also submitted herewith is a copy of the Declaration and Assignment as filed illustrating that the inventor being deleted has not signed either the

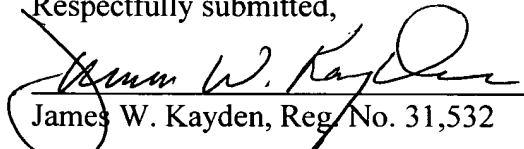
Declaration or the Assignment.' Given that the listed inventor being deleted has not signed the Assignment in this case, it is not believed that the consent of the Assignee is required; however, consent from the Assignee has been secured and is also submitted herewith.

Applicants were also requested to submit a copy of the recorded assignment. The assignment document was never submitted for recordation because it was not fully executed; therefore, no recordation information exists for the Applicants to provide to the Office.

It is not believed that any further fees are required. However, if the Office believes that additional fees may be required, the Office is authorized to charge any deficiency to Deposit Account No. 20-0778.

Granting of this Petition is hereby respectfully requested.

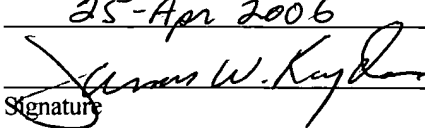
Respectfully submitted,


James W. Kayden, Reg. No. 31,532

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV749201996US postage prepaid, in an envelope addressed to: Mail Stop PCT (DO/EO/US), Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on

25-Apr 2006


Signature

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Sir:

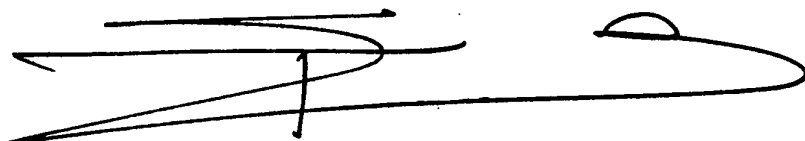
CONSENT OF ASSIGNEE TO DELETION OF INVENTOR

As Assignee of the present invention, we hereby give our consent to deletion of Dr. Verdier from the present Application.

The undersigned representative of the Assignee hereby declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may

jeopardize the validity of the application, any patent issuing thereon, or any patent to which
this declaration is directed.

**COMPAGNIE EUROPEENNE
D'ETUDE ET DE RECHERCHE
DE DISPOSITIFS POUR
L'IMPLANTATION PAR
LAPAROSCOPIE**

A handwritten signature in black ink, consisting of several fluid, overlapping strokes. The signature is positioned below the company name.

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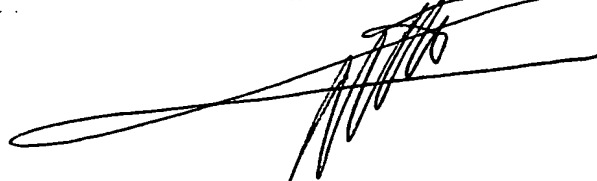
Sir:

STATEMENT OF INVENTOR BEING DELETED

I, Alain Jean Charles Verdier, was improperly listed as an inventor on the above-identified Application. Any error in inventorship in the International Application occurred without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Alain Jean Charles Verdier

A handwritten signature in black ink, appearing to be "Alain Jean Charles Verdier", written over a horizontal line. The signature is stylized with long, sweeping strokes.

DECLARATION FOR PATENT APPLICATION

Attorney Docket No: **80350-1230**

As the below named inventor(s), I/we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **MULTIPLE-POUCH INTRAGASTRIC BALLOON, SURGICAL DEVICE FOR EXPANDING SAID BALLOON AND METHOD FOR MAKING SAME**, the specification of which:

- ☐ is attached hereto.
- ☐ was filed on _____ as Application Serial No. _____.
- ☐ was filed on _____ under U.S. Express Mail No. _____.
- ☒ is set forth in PCT International Application No. **PCT/FR02/04589**; filed on **December 30, 2002** and as amended Under PCT Article 19 on _____ (if any).

I/we hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I/we hereby claim foreign priority benefits under Title 35, United States Code, 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed: **French Patent Application No. FR-01 17102, Filed on December 28, 2001**

I/we hereby appoint all attorneys and agents of Thomas, Kayden, Horstemeyer & Risley, LLP, who are listed under the USPTO Customer Number shown below as my/our attorneys and agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys and agents listed under that Customer Number may be changed from time to time at the sole discretion of Thomas, Kayden, Horstemeyer & Risley, LLP, and request that all correspondence be addressed to the address filed under the same USPTO Customer Number.

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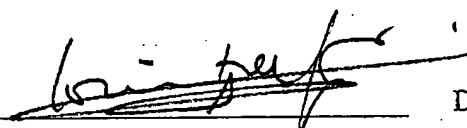
Please address all telephone calls, in the first instance, to **James W. Kayden** at telephone number: **(770) 933-9500**.

Address all correspondence to:

**James W. Kayden
THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.
100 Galleria Parkway, N.W., Suite 1750
Atlanta, Georgia 30339-5948**

I/we hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor: **Patrice Henri Lointier**
Residence: **138, avenue Thermale, F-63400 Chamalieres, France** Citizenship: **France**
Post Office Address: **N/A**

Inventor's Signature:  Date: **September 30, 2004**

Full Name of Second Inventor: **Alain Jean Charles Verdier**
Residence: **9, boulevard Gambetta, F-63400 Chamalieres, France** Citizenship: **France**
Post Office Address: **N/A**

Inventor's Signature: _____ Date: _____

Full Name of SeconThird Inventor: **Roger-Michel Bory**
Residence: **2, rue de la Ville, F-01700 Miribel, France** Citizenship: **France**
Post Office Address: **N/A**

Inventor's Signature:  Date: **October 7, 2004**

**ASSIGNMENT
OF UTILITY PATENT APPLICATION**

WHEREAS, the following parties:

<u>Name</u>	<u>Address</u>
LOINTIER, Patrice, Henri	138, avenue Thermale, F-63400 Chamalieres, France
VERDIER, Alain, Jean, Charles	9, boulevard Gambetta, F-63400 Chamalieres, France
BORY, Roger-Michel	2, rue de la Ville, F-01700 Miribel, France

hereinafter referred to as ASSIGNOR, has/have invented certain new and useful improvements ("invention(s)") as described and set forth in the below-identified utility application for United States Letters Patent entitled:

**MULTIPLE-POUCH INTRAGASTRIC BALLOON, SURGICAL DEVICE FOR
EXPANDING SAID BALLOON AND METHOD FOR MAKING SAME**

which was:

- ☐ executed on even date herewith,
- ☐ filed with the United States Patent and Trademark Office (USPTO) on _____, and assigned Serial No. _____, and
- ☐ further described in U.S. Provisional application entitled _____, filed with the USPTO on _____, and assigned Serial No. _____.

Note: Only one of the first two checkboxes will be checked. The third checkbox will be checked, only if appropriate.

WHEREAS, COMPAGNIE EUROPEENNE D'ETUDE ET DE RECHERCHE DE DISPOSITIFS POUR L'IMPLANTATION PAR LAPAROSCOPIE, having a place of business at Rue des Freres Lumiere, Z.A. du Chateau de Malissol, Boite postale 385, F-38205 Vienne Cedex, France, hereinafter referred to as ASSIGNEE, is desirous of acquiring ASSIGNOR'S interest in and to said invention(s), said utility application, said provisional application, and any U.S. and foreign patents which are related to the same.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by ASSIGNOR, ASSIGNOR has sold, assigned and transferred and does hereby sell, assign and

transfer unto ASSIGNEE, and ASSIGNEE'S successors and assigns, (a) the entire right, title and interest, for the United States of America, in and to said invention(s), said utility application, and said Provisional application and all the rights and privileges in any application and under any and all patents that may be granted in the U.S. for said inventions, including all corresponding provisional, continuation, continuation in part, divisional, reissue, and reexamination applications; and (b) the entire right, title and interest in and to said invention(s), said utility application, and said provisional application for all countries foreign to the U.S., including all rights of priority arising from them, and all the rights and privileges under any and all forms of protection, including patents, that may be granted in said countries foreign to the U.S. for them.

ASSIGNOR authorizes ASSIGNEE to make application for such protection in its own name and maintain such protection in any and all countries foreign to the U.S., and to invoke and claim for any application for patent or other form of protection for said Inventions, without further authorization from ASSIGNOR, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

ASSIGNOR hereby consents that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of ASSIGNEE to apply for patent or other form of protection for said Inventions, said utility application, or said provisional application and to claim the aforesaid benefit of the right of priority.

ASSIGNOR requests that any and all patents for said inventions be issued to ASSIGNEE in the U.S. and to ASSIGNEE in all countries foreign to the U.S., or to such nominee as ASSIGNEE may designate.

ASSIGNOR covenants and agrees that, when requested, ASSIGNOR shall, without charge to ASSIGNEE but at ASSIGNEE'S expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable, or convenient in connection with the patent applications, patents, or other forms of protection of said invention(s), and for the defense and protection thereof if challenged in the court of law.

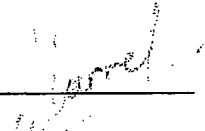
ASSIGNOR authorizes ASSIGNEE or its agents to insert, on ASSIGNOR's behalf, the filing date and/or serial number above pertaining to the utility application and/or the provisional application, if not known as of the date of execution of this document.

ASSIGNOR hereby acknowledges a preexisting obligation for this assignment to ASSIGNEE and for the assignment of all related subject matter arising before the making of the invention and improvements disclosed and described in the patent applications.



Patrice Henri Lointier

Date: September 30, 2004

MARIEE NEZLY 

Witness


Date: 30 septembre 2004

Alain Jean Charles Verdier

Date: _____

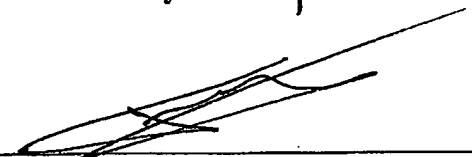
Witness

Date: _____



Roger-Michel Bory

Date: October 7, 2004



Witness Jean Michel Verdier

Date: 7 octobre 2004